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Washington, Wednesday, November 2, 1949

TITLE 3—THE PRESIDENT

PROCLAMATION 2862

ARMISTICE DAY, 1949

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS within a single generation the two most devastating wars in human history brought death or despair to millions; and

WHEREAS the signing of the World War I Armistice on November 11, 1918, aroused in the hearts of men the ardent hope of a peace that would endure for all time; and

WHEREAS after the second holocaust men still desperately seek the goal of international accord which stirred their hearts in 1918; and

WHEREAS the Congress passed a concurrent resolution on June 4, 1926 (44 Stat. 982), providing for the observance of the anniversary of November 11, 1918, and by an act approved May 13, 1938 (52 Stat. 351), the Congress stipulated that November 11 of each year should, as a legal holiday, be dedicated to the cause of world peace;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby urge the people of the United States to celebrate Friday, November 11, 1949, as Armistice Day by recalling to mind the valor not only of those who brought victory to the Allied banners on November 11, 1918, but also of those who refought freedom's battle for the succeeding generation.

And I invite our citizens to rededicate themselves on November 11, at ceremonies to be held in schools, churches, and other suitable places, to the cause of peace throughout the world. I also direct that the flag of the United States be displayed on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of October in the year of our Lord nineteen hundred and [SEAL] forty-nine, and of the Independence of the United States of

America the one hundred and seventy-fourth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 49-8842; Filed, Oct. 31, 1949; 3:11 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Department of Commerce, the Commission has determined that the exception from the competitive service of positions of cooperative agents in the Weather Bureau should be made applicable to the Department of Commerce as a whole, and that due to the transfer of the Bureau of Public Roads from the General Services Administration to the Department of Commerce, under Reorganization Plan No. 7, the exception of positions in that Bureau should also be transferred. Effective upon publication in the FEDERAL REGISTER, §§ 6.112 (g) and 6.133 (d) are revoked. A new subparagraph numbered (7) is added to § 6.112 (a) and a new paragraph numbered (1) is added to § 6.112 as set out below.

§ 6.112 Department of Commerce—(a) General

(7) NC/PD. Agents employed in field positions the work of which is financed jointly by the Department of Commerce and cooperating persons, organizations, or Governmental agencies outside the Federal service.

(1) Bureau of Public Roads. (1) The Commissioner of Public Roads.

(2) One private secretary or confidential assistant to the Commissioner.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O.

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1949 Edition

CODE OF FEDERAL REGULATIONS

The following books are now available:

Title 24 (\$2.75)

Title 25 (\$2.75)

Previously announced: Title 3, 1948 Supp. (\$2.75); Titles 4-5 (\$2.25); Title 6 (\$3.00); Title 7: Parts 1-201 (\$4.25); Parts 210-874 (\$2.75); Parts 900 to end (\$3.50); Title 8 (\$2.75); Title 9 (\$2.50); Titles 10-13 (\$2.25); Title 14: Parts 1-399 (\$3.50); Parts 400 to end (\$2.25); Title 15 (\$2.50); Title 16 (\$3.50); Title 17 (\$2.75); Title 18 (\$2.75); Title 19 (\$3.25); Title 20 (\$2.75); Title 21 (\$2.50); Titles 22-23 (\$2.25)

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9973, June 28, 1948, 13 F. R. 3600, 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 49-8811; Filed, Nov. 1, 1949; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 43—UNITED STATES SEDIMENT STANDARDS FOR MILK AND MILK PRODUCTS

On June 17, 1949, notice was published in the FEDERAL REGISTER (F. R. Doc. 49-4888; 14 F. R. 3284) regarding the proposed United States Sediment Standards for Milk and Milk Products pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the standards hereinafter set forth are hereby promulgated under similar authority contained in the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., 1st Sess., approved June 29, 1949). The promulgation of these standards will facilitate future reference, by the Department, to any sediment content, on a quantitative basis, that may be found in milk and milk products.

The standards are as follows:

§ 43.101 *United States Sediment Standards for Milk and Milk Products.*
(a) The standards contained in this section consist of ten (10) sediment discs, prepared as hereinafter indicated, each of which represents one of the following:

0 mg. of sediment.
0.025 mg. of sediment.
0.050 mg. of sediment.
0.075 mg. of sediment.
0.10 mg. of sediment.
0.20 mg. of sediment.
0.30 mg. of sediment.
0.50 mg. of sediment.
1.00 mg. of sediment.
2.50 mg. of sediment.

(b) Each sediment disc was prepared in accordance with the procedure set forth in paragraph 9.04 of the publication "Standard Methods for the Examination of Dairy Products," Ninth Edition, 1948, published by the American Public Health Association, 1790 Broadway, New York, New York. To facili-

tate the use and availability of these standards, a composite photograph of the ten (10) sediment discs is attached hereto and made a part hereof; and a copy of the photograph may be obtained, upon request, from the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2647, South Building, Washington 25, D. C. (Pub. Law 146, 81st Cong., 1st Sess., approved June 29, 1949).

Done at Washington, D. C., this 28th day of October 1949, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 49-8816; Filed, Nov. 1, 1949;
8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 183]

[Controlled Rooms in Rooming Houses and
Other Establishments, Rent Reg., Amdt.
182]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 2, is amended to describe the counties in the Defense-Rental Area as follows:

Jefferson County, except Tarrant City.

This decontrols Tarrant City in Jefferson County, Alabama, a portion of the Birmingham, Alabama, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 30, is amended to describe the counties in the Defense-Rental Area as follows:

Orange County, except the Cities of Laguna Beach and Newport Beach, and except that portion lying south of the south line of Township Six south, Range Eight west, San Bernardino Base and Meridian, and the easterly and westerly prolongation of said south line; and Los Angeles County, except Catalina Township and the Cities of Covina and La Verne.

This decontrols the City of La Verne in Los Angeles County, California, a portion of the Los Angeles, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

¹ Filed as a part of the original document.

3. Schedule A, Item 81a, is amended to read as follows:

(81a) [Revoked and decontrolled.]

This decontrols the entire Idaho Falls, Idaho, Defense-Rental Area, consisting of the City of Idaho Falls in Bonneville County, Idaho, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

4. Schedule A, Item 242c, is amended to describe the counties in the Defense-Rental Area as follows:

Garvin, except the City of Lindsay.

This decontrols (1) the City of Seminole in Seminole County, Oklahoma, a portion of the Ada, Oklahoma, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Seminole County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

5. Schedule A, Item 256, is amended to describe the counties in the Defense-Rental Area as follows:

Clackamas County, except Oregon City; Multnomah and Washington Counties.

Clark.

Clatsop County, except that portion lying South of Township Line 8 North.

This decontrols Oregon City in Clackamas County, Oregon, a portion of the Portland-Vancouver, Oregon, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

6. Schedule A, Item 285, is amended to describe the counties in the Defense-Rental Area as follows:

Minnehaha County, except the City of Garretson.

This decontrols the City of Garretson, in Minnehaha County, South Dakota, a portion of the Sioux Falls, South Dakota, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

7. Schedule A, Item 342a, is amended to read as follows:

(342a) [Revoked and decontrolled.]

This decontrols (1) the Town of Lexington in Rockbridge County, Virginia, a portion of the Lexington, Virginia, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative, in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective October 31, 1949.

Issued this 28th day of October 1949.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 49-8812; Filed, Nov. 1, 1949;
8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

LINE OF DUTY

A new § 3.1508 is added to read as follows:

§ 3.1508 *Instructions relating to line of duty.* (a) For the purposes of section 5, Public Law 339, 81st Congress, approved October 10, 1949, the following instructions are issued:

(1) Section 5, Public Law 339, 81st Congress, provides: "That paragraph VIII of Veterans Regulation Numbered 10, as amended by Public Law 439, Seventy-eighth Congress, is hereby further amended by striking out the period and substituting a colon therefor and adding the following: 'Provided, however, That disease, injury, or death incurred without wilful misconduct on the part of the service person shall be deemed to have been incurred in line of duty if the sentence of the court martial did not involve an unremitted dishonorable discharge or if the offense for which convicted by civil court did not involve a felony as defined under the laws of the jurisdiction where the service person was convicted by such civil court.'"

(2) Hereafter, every disease, injury or death incurred without wilful misconduct on the part of the service person while in confinement under sentence of a court-martial or a civil court will be deemed to have been incurred in line of duty unless the court-martial sentence involved an unremitted dishonorable discharge or, in the case of officers, separation under similar conditions, or the sentence of the civil court involved conviction of a felony, as defined by the laws of the jurisdiction where the person was convicted. The provisions of this subparagraph will apply equally to those instances where the disability occurs during confinement prior to the actual remission of the dishonorable discharge, or separation under similar conditions: *Provided, of course, That the dishonorable discharge or separation under similar conditions is subsequently remitted.* Despite the remission of the dishonorable discharge or separation under similar conditions, there must always be borne in mind the necessity of determining under established criteria whether the presently existing discharge was under other than dishonorable conditions. If it was under dishonorable conditions, a statutory bar to entitlement exists. The determination whether the offense for which the veteran was convicted by a civil court constituted a felony will, in other than obvious cases, be made by the chief attorney of the regional office located in the state in which the civil court is also located, except in central office cases the determination will be made by the solicitor.

(3) Those cases previously disallowed because the disability or death was not incurred in line of duty, having occurred while the veteran was in confinement pursuant to the sentence of a court-martial or civil court, but in which a

dishonorable discharge or separation under similar conditions was not involved, or if involved, has heretofore been remitted, will be reconsidered upon the basis of a new claim, which may be informal. If such reopened claim is filed within one year from the date of the veteran's separation from service, benefits may be awarded from the date following date of discharge or October 10, 1949, whichever is the later. If such claim is not filed within a year from date of separation from service, benefits will be awarded from the date of claim. However, for the period from October 10, 1949 to November 30, 1949 the rates of compensation will be those in effect prior to the enactment of Public Law 339, 81st Congress. The dates of evaluations and awards in disability claims will coincide. (Instruction 1, sec. 5, Pub. Law 339, 81st Cong.)

This regulation effective November 2, 1949.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 49-8785; Filed, Nov. 1, 1949;
8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 73—REPAYMENT OF MONEY ORDERS: DUPLICATE ORDERS; PAYMENT OF INVALID ORDERS BY WARRANT

RECORD OF REPAYMENT

Section 73.3 *Record of repayment* (13 F. R. 8998) is hereby repealed.

(R. S. 161, 396, 4027, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 711)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-8794; Filed, Nov. 1, 1949;
8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

SMALL PACKETS; RUMANIA

In § 127.10 *Small packets* (13 F. R. 9078; 14 F. R. 6133) amend paragraph (a) to read as follows:

(a) Surface rate for all countries, 3 cents for each 2 ounces or fraction thereof, with a minimum charge of 15 cents per packet; for airmail rates, see individual country items. Limit of weight: 2 pounds 3 ounces. Maximum dimensions: Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however in the case of indivisible objects exchanged with Argentina, Bolivia, Brazil, Costa Rica, Dominican Republic, Ecuador, Honduras (Republic of), Mexico, Nicaragua, Philippines, Salvador (El), Spain (including

the Spanish Colonies, the Spanish Zone of Morocco, and the Spanish Office in Andorra), and Venezuela, the length (40 inches maximum) plus twice the diameter may be as much as 48 inches. Minimum dimensions: It is recommended that articles measure not less than 4 inches in length and 2½ inches in width.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

2. In § 127.341 *Rumania* (13 F. R. 9211; 14 F. R. 578) amend subdivision (vii) of paragraph (b) (5) to read as follows:

(b) *Parcel post.* * * *
(5) *Observations.* * * *

(vii) *Prepayment of customs duty on gift parcels.* Gift parcels containing only food and used clothing may be mailed with customs duty prepaid by the sender if the following procedure is followed:

(a) The prospective mailer must prepare one customs declaration on a form to be obtained from the Rumanian Legation, Office of the Commercial Attaché, 26 West 56th Street, New York 19, N. Y. After completing the declaration to show the name and address of sender, gross weight of parcel, indication of contents (used clothing and/or foodstuffs), and name and address of addressee, the sender should send it to the Office of the Commercial Attaché accompanied by a check or money order in payment of the duty at the rate of 13 cents per pound, and by a stamped self-addressed envelope for reply. The Rumanian Legation will return to the mailer (1) a customs-duty receipt on white paper which the sender should send to the addressee by letter; (2) a duplicate receipt on pink paper to be enclosed in the parcel, and (3) a yellow label to be pasted to the outside of the parcel.

(b) Parcels mailed under this arrangement must bear postage at the usual rate, have affixed two postal customs declarations and one dispatch note, and otherwise comply with the normal requirements for parcels sent as gifts to Rumania.

(c) Arrangements can be made with the Office of the Commercial Attaché for the payment of duty also on parcels which have been mailed without prepayment of duty. The procedure outlined above is followed in paying duty in such cases, and both copies of the receipt must then be sent to the addressee so as to arrive in advance of the parcel. It is understood that if customs duty is not prepaid and if the addressees in Rumania fail to pay the duty when parcels are offered for delivery, the parcels are immediately returned to the senders.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-8796; Filed, Nov. 1, 1949;
8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MOROCCO (FRENCH)

In § 127.306 *Morocco (French)* (13 F. R. 9188), amend paragraph (b) (1) by inserting subdivision (ii) following the tables of surface parcel rates, to read as follows:

(b) *Parcel post.* * * *
(1) *Table of rates.* * * *
(ii) *Air parcel rates.*

Lb. Oz.	Rate	Lb. Oz.	Rate
0 4	\$1.19	22 8	\$49.25
0 8	1.73	22 12	49.79
0 12	2.27	23 0	50.33
1 0	2.81	23 4	50.87
1 4	3.35	23 8	51.41
1 8	3.89	23 12	51.95
2 0	4.43	24 0	52.49
2 4	4.97	24 4	53.03
2 8	5.51	24 8	53.57
3 0	6.05	24 12	54.11
3 4	6.59	25 0	54.65
3 8	7.13	25 4	55.19
4 0	7.67	25 8	55.73
4 4	8.21	25 12	56.27
4 8	8.75	26 0	56.81
5 0	9.29	26 4	57.35
5 4	9.83	26 8	57.89
5 8	10.37	26 12	58.43
6 0	10.91	27 0	58.97
6 4	11.45	27 4	59.51
6 8	11.99	27 8	60.05
7 0	12.53	27 12	60.59
7 4	13.07	28 0	61.13
7 8	13.61	28 4	61.67
8 0	14.15	28 8	62.21
8 4	14.69	28 12	62.75
8 8	15.23	29 0	63.29
9 0	15.77	29 4	63.83
9 4	16.31	29 8	64.37
9 8	16.85	29 12	64.91
10 0	17.39	30 0	65.45
10 4	17.93	30 4	65.99
10 8	18.47	30 8	66.53
11 0	19.01	30 12	67.07
11 4	19.55	31 0	67.61
11 8	20.09	31 4	68.15
12 0	20.63	31 8	68.69
12 4	21.17	31 12	69.23
12 8	21.71	32 0	69.77
13 0	22.25	32 4	70.31
13 4	22.79	32 8	70.85
13 8	23.33	32 12	71.39
14 0	23.87	33 0	71.93
14 4	24.41	33 4	72.47
14 8	24.95	33 8	73.01
15 0	25.49	33 12	73.55
15 4	26.03	34 0	74.09
15 8	26.57	34 4	74.63
16 0	27.11	34 8	75.17
16 4	27.65	34 12	75.71
16 8	28.19	35 0	76.25
17 0	28.73	35 4	76.79
17 4	29.27	35 8	77.33
17 8	29.81	35 12	77.87
18 0	30.35	36 0	78.41
18 4	30.89	36 4	78.95
18 8	31.43	36 8	79.49
19 0	31.97	36 12	80.03
19 4	32.51	37 0	80.57
19 8	33.05	37 4	81.11
20 0	33.59	37 8	81.65
20 4	34.13	37 12	82.19
20 8	34.67	38 0	82.73
21 0	35.21	38 4	83.27
21 4	35.75	38 8	83.81
21 8	36.29	38 12	84.35
22 0	36.83	39 0	84.89
22 4	37.37	39 4	85.43
22 8	37.91	39 8	85.97
23 0	38.45	39 12	86.51
23 4	38.99	40 0	87.05
23 8	39.53	40 4	87.59
24 0	40.07	40 8	88.13
24 4	40.61	40 12	88.67
24 8	41.15	41 0	89.21
25 0	41.69	41 4	89.75
25 4	42.23	41 8	90.29
25 8	42.77	41 12	90.83
26 0	43.31	42 0	91.37
26 4	43.85	42 4	91.91
26 8	44.39	42 8	92.45
27 0	44.93	42 12	92.99
27 4	45.47	43 0	93.53
27 8	46.01	43 4	94.07
28 0	46.55	43 8	94.61
28 4	47.09	43 12	95.15
28 8	47.63	44 0	95.69
29 0	48.17		
29 4	48.71		

Each air-parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55.)

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL]

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-8795; Filed, Nov. 1, 1949;
8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 817, Amdt. 5]

PART 95—CAR SERVICE

REDUCED RATES ON GIANT REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of October A. D. 1949.

Upon further consideration of Service Order No. 817 (13 F. R. 3320), as

amended (13 F. R. 3738, 5278, 8309 and 3589), and good cause appearing therefor: It is ordered, that:

Section 95.817 *Reduced rates on giant type refrigerator cars*, of Service Order No. 817 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1949, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Tariff provisions suspended. The operation of all tariff rules, regulations, or charges insofar as they conflict with this order is hereby suspended.

Announcement of suspension. Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the

provisions therein, and establishing the substituted provisions set forth.

Effective date. This amendment shall become effective at 11:59 p. m., October 31, 1949.

It is further ordered, That a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, 485, secs. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 49-8791; Filed, Nov. 1, 1949;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

UNITED STATES STANDARDS FOR ORANGES IN CALIFORNIA AND ARIZONA

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document No. 49-8175, appearing at page 6181 of the issue for Wednesday, October 12, 1949, the second word in § 51.301 (g) (16) (viii) should read "spots".

[7 CFR, Part 927]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a marketing agreement and a proposed amendment to the order, as amended, regulating the handling of milk in the New York metropolitan milk

marketing area. Exceptions to this recommended decision may be filed with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, not later than the close of business on the 7th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which this proposed marketing agreement and proposed amendment to the order, as amended, were formulated was held at Albany, New York, on October 19, 1949, notice of which was issued on October 11, 1949, and published in the FEDERAL REGISTER on October 14 (14 F. R. 6266).

The only material issue presented on the record of this hearing is the level at which the minimum price for Class I-A milk should be established for a limited period of time beginning November 1, 1949.

Proposed findings and conclusions. The following proposed findings and conclusions on the material issue are based upon evidence introduced at the hearing and the record thereof:

(1) The supply of milk for the marketing area (volume of milk received at pool plants) during each of the 14 months ending in October 1949 has exceeded the volume in the same month of the preceding year. The supply of pool milk in September and October of 1949 was the highest on record for those months, and approximately 13 and 23 percent, respectively, higher than in the same months of 1948. The volume of pool milk during the first 10 months of 1949 exceeded the volume during the same period in 1948 by about 14 percent.

This larger volume of pool milk has been the result of increases both in the

number of producers delivering milk to pool plants and in the volume of milk delivered per producer. There were 439 pool plants in September of this year, 7 more than a year earlier. The number of producers delivering milk to pool plants was 3,362 larger in September 1949 than in September 1948, an increase of about 7 percent. In September 1949 deliveries of milk per producer was the largest on record for the month and exceeded deliveries in September 1948 by 5.5 percent. Deliveries of milk per producer in October of this year were also at an all-time high and about 15 percent above a year ago. July and August 1949 are the only months since July 1948 in which deliveries of milk per day per producer were not more than in the corresponding month a year earlier.

Dry weather during the summer months of this year materially reduced the amount of feed obtained from pastures in parts of the milkshed. Pasture conditions in New York State, as reported by the New York Agricultural Statistical Service, have recovered from an all-time low of 43 percent of normal as of September 1 to 73 percent as of October 1, on which latter date the reported condition of pastures was about the same as the average for that date of the last 10 years. The relatively high level of milk production per dairy in recent months appears to have been due to the supplemental feeding of hay and silage, and to relatively heavy feeding of grain. The New York Agricultural Statistical Service reports in its "New York Dairy Farm Report for October 1949" that larger amounts of concentrates were being fed daily per cow on October 1, and concentrates fed per 100 pounds of milk during September averaged higher than for corresponding periods in 19 re-

corded years" and that "on October first, production per day per cow was the highest for the date in 25 years of record." The trend of the last few years toward an increase in the percentage of cows freshening during the last 4 or 5 months of the year appears to be continuing into 1949, and very likely is a factor contributing to the relatively high current level of production.

Sales of fluid milk in the marketing area (Class I-A) in 1949 have not varied widely month by month from 1948. Total Class I-A sales for the first 9 months of 1949 were only slightly (0.62 percent) lower than for the same period in 1948. For the year 1948 Class I-A sales were about 3 percent below the peak year of 1946. In September 1949 Class I-A sales were about 2 percent and 6 percent, respectively, lower than for that month in 1948 and 1947. With total Class I sales (Classes I-A, I-B and I-C) running about the same this year as in 1948, the percentage of the total available supply utilized in Class I has been lower than in 1948. In September 1949 Class I sales constituted 58.3 percent of total pool milk, a proportion lower than in any September since 1942.

Prices paid for fluid milk by consumers in the marketing area are lower than in 1948 and are somewhat lower in relation to most other foods. The latest available data on average weekly earnings of production workers in New York City manufacturing industries shows no appreciable change from a year ago. No significant change in Class I sales during the next few months appears from evidence in the record to be in prospect.

On January 1 and June 1, 1949, the number of milk cows on farms in New York State (which is the source of about 80 percent of the total supply of milk for the New York metropolitan marketing area) were about 1 and 2 percent, respectively, higher than a year earlier. On January 1, 1948, the number of yearling heifers on farms in New York State was about 2 percent higher than on January 1, 1947. These increases in numbers of cows and heifers indicate that the cow cycle is on the increase after having reached its low point in New York State sometime in 1947 or 1948.

On October 1, indications were that the 1949 hay crop in New York State would be about 27 percent less than the amount harvested in 1948 and about 22 percent less than the average for the 10 preceding years. The 1949 hay crop, however, was of good quality. Nationally, the hay crop was less than 1 percent below last year and the previous 10-year average. The New York corn crop for ensilage was generally good, both in quantity and quality, and will counteract to some extent the short hay crop. No general killing frost had occurred at the time of the hearing. Pastures were still yielding considerable feed and most crops were safe from frost damage.

With a large carryover of feeds and feed grains in both New York State and the United States and a near record production in 1949, supplies per animal unit for the 1949-50 feeding season are expected to be the largest ever available.

In view of this supply situation, any significant increase in feed prices appears unlikely. It is likely, however, that the level at which feed grain prices are required to be supported will preclude any significant reduction in prices currently paid for dairy feed. Prices of dairy rations in October were down 12 to 13 percent from a year earlier.

The uniform price in relation to the price paid for feed in September 1949 (the latest month for which the uniform price is available) was somewhat lower than in September 1948 when it was extremely favorable to dairymen but was substantially higher than in September 1947 and slightly higher than in September 1940. The Class I-A price in relation to the price of feed in October 1949 was about the same as in October 1948 and 1940, and was substantially higher than in October 1947.

Farm wage rates in New York State currently average 4 to 6 percent below a year ago. Since feed and labor account for a large proportion of the total cost of producing milk for the New York market, any substantial increase in milk production costs in the near future appears unlikely. Prices of farm machinery have changed little in recent months, but supplies are catching up with demands. An index of costs in dairy farming published for each month by the New York State College of Agriculture shows a decline of about 5 percent from September 1948 to September 1949.

While the Class I-A price of \$5.24 for October is about 14 percent below October 1948, the total return to producers for Class I-A milk for the first 9 months of 1949 was only about 5 percent less than for the same period in 1948. The average price received by producers for all milk (uniform price) in September 1949 was about 20 percent less than in September 1948. The total return to producers for all pool milk for the first 9 months of 1949 was about 9 percent less than for the same period in 1948.

The difference between Class I-A and uniform prices in recent months has been much wider than in corresponding months in recent years. In September 1949 the uniform price was \$1.04 less than the Class I-A price. The comparable figures for 1947 and 1948 are \$0.42 and \$0.65, respectively. Increased supplies for the market in relation to volume of Class I-A milk and lower prices for milk in classes other than Classes I-A and I-B in relation to the Class I-A price have been the primary cause of this increasing margin between the Class I-A price and the uniform price. The amount by which the Class I-A price exceeds the value of milk for manufacturing has in recent months been substantially higher than at any time prior to 1948.

It is concluded from the evidence in the record, findings on which are herein set forth, that the present price of \$5.24 should be maintained for Class I-A milk for the months of November and December 1949. Justification for an increase in the Class I-A price cannot be found in view of economic conditions affecting the present and prospective supply of

milk (in relation to demand) for the marketing area, including increased cow numbers, increases in the number of producers supplying the market, and the abundance of feed supplies at prices reasonably in line with the price of milk.

However, in view of the prospective level of the cost of producing milk, and other factors affecting the future supply of milk, including a relatively short roughage supply in the New York milkshed for the approaching barn-feeding season, it seems advisable that producers should be given assurance that the Class I-A price will be maintained at a level not substantially below the present level for a period of time longer than for the months of November and December. No such assurance is now provided since, under present provisions of the order, the pricing of Class I-A milk beginning in January 1950 would no longer be fixed in relation to the Boston Class I price but would be fixed on the basis of the butter-powder formula. Such a price would very likely constitute a substantial drop.

Accordingly, it is concluded that the present provision of the order fixing the Class I-A price (for 3.5 percent milk) at 19 cents less than the Boston Class I price (for 3.7 percent milk) should be continued after January 1, 1950, pending adoption of a new method of establishing the Class I-A price formulated on the basis of evidence in the record of the hearing held during the period September 19 through October 7, 1949.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Metropolitan Cooperative Milk Producers Bargaining Agency, Inc., and the Milk Dealers' Association of Metropolitan New York, Inc. The arguments contained in these briefs and the proposed findings and conclusions set forth therein were carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that such proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Recommended amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. A proposed marketing agreement is not included in this report because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended:

Amend § 927.5 (a) (1) (ii) to read as follows:

(ii) The Class I-A price per hundredweight for each of the months of January, February, and March 1950 shall be the 201-210 mile zone price per hundredweight established under Order No. 4 for Class I milk containing 3.7 percent butterfat for the Greater Boston marketing area, minus 19 cents.

Filed at Washington, D. C., this 28th day of October 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-8817; Filed, Nov. 1, 1949;
8:50 a. m.]

[7 CFR, Parts 941, 969]

[AMA Docket No. AO-101-A10, Chicago]

[AMA Docket No. AO-172-A3, Suburban Chicago]

HANDLING OF MILK IN CHICAGO, ILL., AND
SUBURBAN CHICAGO, ILL., MILK MARKET-
ING AREAS

NOTICE OF HEARING ON PROPOSED AMEND-
MENTS TO TENTATIVE MARKETING AGREE-
MENTS AND TO ORDERS, AS AMENDED

Pursuant to the Agricultural Market-
ing Agreement Act of 1937, as amended
(7 U. S. C. 601 et seq.) and the appli-
cable rules of practice and procedure
governing the formulation of marketing
agreements and marketing orders (7
CFR, Part 900), notice is hereby given
of a hearing to be held in Room 582,
United States Court House, 219 South
Clark Street, Chicago, Illinois, beginning
at 10:00 a. m., c. s. t., November 16, 1949,
for the purpose of receiving evidence
with respect to proposed amendments
hereinafter set forth, or appropriate
modifications thereof, to the tentative
marketing agreements heretofore ap-
proved by the Secretary of Agriculture
and to the orders, as amended, regulat-
ing the handling of milk in the Chicago,
Illinois, and the Suburban Chicago, Illi-
nois, milk marketing areas. These pro-
posed amendments have not received the
approval of the Secretary of Agriculture.

*Amendments proposed to classification
provisions: Proposed by the Borden Com-
pany, Chicago Milk Division:*

1. Amend § 941.4 (b) (1) of the order
for the Chicago marketing area and
§ 969.4 (b) (1) of the order for the Sub-
urban Chicago marketing area to read
as follows:

(1) Class I milk shall be (i) all milk
disposed of as fluid milk, buttermilk and
cultured milk drinks, (ii) all milk dis-
posed of as fluid skim milk by handlers
through routes, stores or vendors, and
(iii) all milk not accounted for as Class II
milk, Class III milk, or Class IV milk,
except that this definition shall not in-
clude milk disposed of in bulk as any
product mentioned in subdivisions (i)
or (ii) of this subparagraph to bakeries,
soup companies and candy manufactur-
ing establishments, in their capacity as
such.

2. Amend § 941.4 (b) (2) of the order
for the Chicago marketing area to read
as follows:

(2) Class II milk shall be all milk the
butterfat from which is contained in
sweet cream, any sweet fluid cream prod-
uct having more than 6% butterfat,
filled cream, frozen cream, plastic cream,
egg nog, yogurt, ice cream, ice cream
mix (liquid or powder), cottage cheese,
and any other milk product of composi-
tion and texture similar to any of the

products named in this subparagraph;
except that this definition shall not in-
clude butterfat in cream, fluid cream
products, filled cream, and cottage cheese
disposed of in bulk in bakeries, soup com-
panies and candy manufacturing estab-
lishments in their capacity as such, and
the butterfat in butter cream and sour
cream disposed of in bulk and bottled
form.

3. Amend § 969.4 (b) (2) of the order
for the Suburban Chicago marketing area
to read as follows:

(2) Class II milk shall be all milk the
butterfat from which is contained in
sweet cream, any sweet fluid cream prod-
uct having more than 6% butterfat, filled
cream, egg nog, yogurt, cottage cheese,
and any other milk product of composi-
tion and texture similar to any of the
products named in this subparagraph;
except that this definition shall not in-
clude butterfat in cream, fluid cream
products, filled cream, and cottage cheese
disposed of in bulk in bakeries, soup com-
panies and candy manufacturing estab-
lishments in their capacity as such, and
the butterfat in butter cream and sour
cream disposed of in bulk and bottled
form.

4. Amend § 941.4 (b) (3) of the order
for the Chicago marketing area and
§ 969.4 (b) (3) of the order for the Sub-
urban Chicago marketing area to read
as follows:

(3) Class III milk shall be all milk the
butterfat from which is contained in a
product other than those included in
Class I milk, Class II milk or Class IV
milk, and all milk the butterfat from
which is contained in products disposed
of in bulk to bakeries, soup companies
and candy manufacturing establish-
ments pursuant to the exceptions in
subparagraphs (1) and (2) of this para-
graph and all milk and butterfat from
which is disposed of as flavored milk,
flavored milk drinks, butter cream and
sour cream in bulk and bottled form.

*Proposed by Ice Cream Manufacturers'
Association of Cook County:*

5. Amend § 941.4 (b) (2) of the order
for the Chicago marketing area to read
as follows:

(2) Class II milk shall be all milk
the butterfat from which is contained in
sweet or sour cream, any fluid cream
product having more than 6 percent but-
terfat, butter cream, filled cream, frozen
cream, plastic cream, eggnog, yogurt,
cottage cheese, and any other milk prod-
uct of composition and texture similar
to any of the products named in this
subparagraph; except that this defini-
tion shall not include butterfat in cream,
fluid cream products, filled cream, and
cottage cheese disposed of in bulk in
bakeries, soup companies, and candy
manufacturing establishments in their
capacity as such.

6. Add to § 941.4 (b) (2) of the order
for the Chicago marketing area a new
subparagraph (2-a) to read as follows:

(2-a) Class II-A milk shall be all milk,
fluid or frozen, the butterfat from
which is contained in ice cream or ice
cream mix (liquid or powder).

7. Amend subparagraph (3) of said
§ 941.4 (b) by inserting after the words
"Class II milk" the words "Class II-A
milk."

Proposed by Pure Milk Association:

8. Amend § 941.4 (b) (2) of the order
for the Chicago marketing area to read:

(2) Class II milk shall be all milk the
butterfat from which is contained in
sweet or sour cream, any fluid cream
product having more than 6 percent but-
terfat, butter cream, filled cream, frozen
cream, plastic cream, eggnog, yogurt,
ice cream, ice cream mix (liquid or pow-
der), cottage cheese, and any other milk
product of composition and texture simi-
lar to any of the products named in this
subparagraph; except that this defini-
tion shall not include butterfat in cream,
fluid cream products, filled cream, and
cottage cheese disposed of in bulk in
bakeries, soup companies, and candy
manufacturing establishments in their
capacity as such. For the purposes of
computing settlement with producers for
month during which frozen cream is
placed in storage, such product shall be
classified as Class IV milk, and the dif-
ference between the price for Class II
and Class IV milk shall be withheld by
the administrator as hereafter provided.

*Amendments proposed to minimum
price provisions: Proposed by Pure Milk
Association:*

9. Change § 941.5 (a) of the order for
the Chicago marketing area to read:

(a) *Basic formula price.* The basic
formula price to be used in computing the
prices of Class I milk and Class II milk
for each delivery period shall be the
higher of the prices for Class III milk
and Class IV milk, as computed by the
market administrator pursuant to sub-
paragraphs (3) and (4) of paragraph (b)
of this section for the delivery period
next preceding.

*Proposed by the Borden Company, Chi-
cago Milk Division:*

10. Amend § 941.5 (b) (1) of the order
for the Chicago marketing area to read
as follows:

(1) *Class I milk.* The price for Class
I milk shall be the basic formula price
plus an amount determined by multiply-
ing the basic formula price by the fol-
lowing percentage for the delivery period
indicated.

	Percent
May and June.....	17
August, September, October and No- vember.....	30
All other months.....	22

11. Amend § 941.5 (b) (2) of the order
for the Chicago marketing area to read
as follows:

(2) *Class II milk.* The price for Class
II milk shall be the basic formula price
plus an amount determined by multiply-
ing the basic formula price by the fol-
lowing percentage for the delivery
period indicated.

	Percent
May and June.....	10
August, September, October and Novem- ber.....	17
All other months.....	12

12. Amend § 969.5 (b) (1) of the order for the Suburban Chicago marketing area to read as follows:

(1) *Class I milk.* (i) The price for Grade A Class I milk shall be the basic formula price plus an amount determined by multiplying the basic formula price by the following percentage for the delivery periods as indicated.

	Percent
May and June.....	17
August, September, October and November.....	30
All other months.....	22

(ii) The price for Grade B Class I milk shall be the price for Grade A Class I milk less 10 cents.

13. Amend § 969.5 (b) (2) of the order for the Suburban Chicago marketing area to read as follows:

(2) *Class II milk.* (i) The price for Grade A Class II milk shall be the basic formula price plus an amount determined by multiplying the basic formula price by the following percentage for the delivery periods as indicated.

	Percent
May and June.....	10
August, September, October and November.....	17
All other months.....	12

(ii) The price for Grade B Class II milk shall be the price for Grade A Class II milk less 10 cents.

14. Amend § 941.5 of the order for the Chicago marketing area by the addition of paragraph (c):

(c) *Sales outside the marketing area:* The price to be paid by a handler for Class I and Class II milk disposed of in bottled form outside the Chicago, Illinois, marketing area as defined under § 941.1 (c) shall be the established prevailing prices for milk purchased from producers or producer organizations disposed of in the form of fluid milk and cream in the respective areas or the uniform price announced for each delivery period in accordance with the provisions of § 941.7 (b) (1) (2) (3) (4) (5): *Provided, however,* That in the event such sales or utilizations are in a market regulated under a Federal milk marketing order, the Class I and Class II prices as determined under § 941.5 (b) (1) and 941.5 (b) (2) will prevail.

15. Amend § 969.5 of the order for the Suburban Chicago marketing area by the addition of paragraph (c):

(c) *Sales outside the marketing area.* The price to be paid by a handler for Class I and Class II milk disposed of in bottle form outside the Suburban Chicago, Illinois, marketing area as defined under § 969.1 (b) shall be the established prevailing prices for milk purchased from producers or producer organizations disposed of in the form of fluid milk and cream in the respective areas or the uniform price announced for each delivery period in accordance with the provisions of § 969.6 (b) (1) (2) and (3): *Provided, however,* That in the event such sales or utilizations are in a market regulated un-

der a Federal milk marketing order, the Class I and Class II prices as determined under § 969.5 (b) (1) and 969.5 (b) (2) will prevail.

Proposed by Ice Cream Manufacturers' Association of Cook County:

16. Amend § 941.5 (b) of the order for the Chicago marketing area by inserting after subparagraph (2) *Class II milk*, subparagraph (2-a) reading:

(2-a) *Class II-A milk.* The price for Class II-A milk shall be the basic formula price plus the following amount for the delivery period indicated: May and June, \$0.15; August, September, October and November, \$0.35; all others, \$0.25: *Provided, however,* That the price for cream frozen in the months of May and June shall be the basic formula price: *And provided further,* That the price for Class II-A milk delivered in the form of ice cream or ice cream mix by any handler or manufacturer within the Chicago milk marketing area to points outside of said marketing area for resale in such outside area, shall be the basic formula price.

Proposed by the Dean Milk Company:

17. Amend § 941.5 (b) (3) of the order for the Chicago marketing area to read as follows:

(3) (i) *Class III milk.* The price for Class III milk shall be the average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Bellesville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(ii) For selecting the base for Class I and Class II the price per hundredweight shall be computed from the following formula: (Same formula as in § 941.5 (b) (3) (ii).)

Proposed by Central Dairy Sales Cooperative:

18. Amend § 941.5 (b) (4) of the order for the Chicago marketing area to read as follows:

(4) The price for Class IV milk shall be that computed from the following formula: Multiply by 3.5 the arithmetical average of daily wholesale prices per

pound of Chicago 92-score butter as reported by the United States Department of Agriculture during the delivery period less 1¢, add 21½% thereof, and add to such sum the following sum: Multiply by 8.05 the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed) spray and roller process f. o. b. Chicago area manufacturing plants as reported by the market administrator's office in Chicago during the delivery period, less ¾ of a cent. From the total sum resulting from these computations, subtract 71¢.

Proposed by the Committee for Order 69 Handlers:

19. Amend § 969.5 (a) of the order for the Suburban Chicago marketing area to read as follows:

(a) *Basic formula price.* The basic formula price to be used in computing the prices of Class I milk and Class II milk for each delivery period shall be the higher of the prices for Class III milk and Class IV milk as computed by the market administrator pursuant to subparagraphs (3) and (4) of paragraph (b) of this section or the price computed pursuant to the following formula for the delivery period next preceding:

(1) Multiply the average wholesale price per pound of 92-score butter at Chicago for the delivery period as reported by the United States Department of Agriculture by 6;

(2) Add 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this formula;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 3.5.

20. Amend § 969.5 (b) (3) of the order for the Suburban Chicago marketing area to read as follows:

(3) *Class III milk.* The price for Class III milk shall be the average of the prices per hundredweight reported to have been paid, or to be paid, for such delivery period to farmers for milk containing 3.5 percent butterfat delivered during such delivery period at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator.

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Richland Center, Wis.

Carnation Co., Oconomowoc, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

21. Amend § 969.5 (b) (4) of the order for the Suburban Chicago marketing area to read as follows:

(4) *Class IV milk.* The price for Class IV milk shall be that computed from the following formula: Multiply by 3.5 the arithmetical average of daily wholesale prices per pound of Chicago 92-score butter as reported by the United States Department of Agriculture during the delivery period less 1¢, add 21½% thereof, and add to such sum the following sum: Multiply by 8.95 the arithmetical average of carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed) spray and roller process f. o. b. Chicago area manufacturing plants as reported by the market administrator's office in Chicago during the delivery period, less ¾ of a cent. From the total sum resulting from these computations, subtract 71¢.

Proposed by Pure Milk Association:

22. Change § 941.5 (c) of the order for the Chicago marketing area to read:

(c) *Location adjustment credit to handlers.* (1) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (i) which is moved in the form of fluid milk or fluid skim milk from such approved plant to a plant engaged in the bottling of fluid milk, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class I milk but did not move in the manner described in subdivision (i) of this subparagraph or in subparagraph (2) (i) of this paragraph, shall be 2 cents per hundredweight for each 15 miles or fraction thereof that such approved plant is located more than 70 miles from the City Hall in Chicago: *Provided*, That there shall be no location adjustment credit with respect to milk classified as Class I milk pursuant to § 941.4 (b) (1) (iii): *And provided further*, That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

(2) The location adjustment credit with respect to that portion of milk received directly from producers at an approved plant (i) which is moved in the form of fluid cream from such approved plant to a plant engaged in the bottling of fluid milk or fluid cream or in the manufacturing of ice cream or ice cream mix, which is located less than 70 miles from the City Hall in Chicago, or (ii) which is classified as Class II milk but did not move in the manner described in subparagraph (1) (i) of this paragraph or in subdivision (i) of this subparagraph, shall be the rate per hundredweight specified in the following table:

Shorter distance by rail or highway from approved plant to City Hall in Chicago:	Cents per hundredweight of fluid cream
0 to 85 miles (zones 1 and 2)-----	0
85 to 190 miles (zones 3 through 9)-----	20.0
190 to 235 miles (zones 13 through 12)-----	26.5
235 to 340 miles (zones 13 through 19)-----	32.5
340 or more miles (zones 20 and beyond)-----	39.0

(3) The burden rests upon the handler who received the milk from producers to prove to the market administrator that the conditions required for the receiving of location adjustment credits have been fulfilled.

Proposed by Baldwin Cooperative Creamery Association, et al:

23. Amend § 941.5 (c) "Location Adjustment Credit to Handlers," of the order for the Chicago marketing area, in the following respect:

Amend subparagraphs (1) and (2) so as to provide that with respect to milk purchased or received from producers at a plant located more than 70 miles from the City Hall in Chicago, which is classified as Class I milk or Class II milk, there shall be computed a location adjustment to handlers on the basis of the cost of transporting said milk from the approved plant at which the said milk was received from producers to the City Hall in Chicago, less the cost of transporting said milk from a point 70 miles from the City Hall in Chicago to the City Hall in Chicago: *Provided*, That there shall be no location adjustment credit with respect to milk classified as Class I milk pursuant to section 941.4 (b) (1) (iii): *And provided further*, That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

No change in subparagraph (3) of this paragraph is proposed.

Proposed by Dairy Branch, Production and Marketing Administration:

24. Amend § 941.5 (c) of the order for the Chicago marketing area to provide that the hundredweight of cream to which the rates therein specified shall apply shall be ascertained by dividing the pounds of butterfat in cream eligible for location adjustment credit by 0.36.

Amendments Proposed to Other Provisions: Proposed by Pure Milk Association:

25. Amend § 941.6 of the order for the Chicago marketing area to include:

(e) *Frozen cream in storage.* When frozen cream is placed in storage an amount equal to the difference between the cost of such cream in Class II and Class IV milk shall be withheld from the producer settlement fund until disposed of as hereafter provided. When frozen cream is withdrawn from storage the amount previously allocated and set aside thereon shall be returned to the respective handler for whose account the frozen cream was stored, if the product has been used in either Class III or Class IV milk, and otherwise, such amount shall be returned to the producer settlement fund.

Amend § 941.7 (b) of the order for the Chicago marketing area to include:

(b) *Computation of the uniform price.* * * *

(3) Add the amount of cash balance in the producer settlement fund without including the amount withheld on account of frozen cream remaining or currently placed in storage.

(4) Divide the result by the total hundredweight of net pooled milk of all handlers whose net pool obligations are included pursuant to subparagraph (1) of this paragraph; and

(5) Subtract not less than 4 cents nor more than 5 cents to provide against the contingency of errors in reports and payments or of delinquencies in payments by handlers. The result shall be known as the uniform price for milk containing 3.5 percent butterfat received from producers at plants located not more than 70 miles from the City Hall in Chicago.

27. Amend § 941.8 (b) of the order for the Chicago marketing area to read:

(b) *Location adjustments to producers.* In making payments to producers pursuant to paragraph (a) (2) of this section, each handler shall deduct per hundredweight of milk purchased or received from producers at a plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles or fraction thereof that such plant is beyond 70 miles from the City Hall in Chicago: *Provided*, That all such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

Proposed by Dairy Branch, Production and Marketing Administration:

28. Delete § 941.5 (d) from the order for the Chicago marketing area and § 969.5 (d) from the order for the Suburban Chicago, Illinois, marketing area.

29. Make such other changes in the order for either marketing area as are necessary to reflect any changes which may result from aforesaid proposals in those provisions of the order for the other marketing area for which comparable provisions are currently included in both orders.

30. Make such other changes as may be required to make the entire marketing agreements and orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing, the said orders, as amended, now in effect, and the said tentative marketing agreements may be procured from the Market Administrator, 135 South LaSalle Street, Chicago 3, Illinois, or from the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: October 27, 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-3798; Filed, Nov. 1, 1949; 8:47 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CHIEF OF FOREST SERVICE

DELEGATION OF AUTHORITY TO ACCEPT
OPTIONS ON LANDS OR INTERESTS
THEREIN

By virtue of the authority vested in the Secretary of Agriculture by Title 5, U. S. C., section 22, I. K. T. Hutchinson, Acting Secretary of Agriculture, do hereby delegate to the Chief of the Forest Service, or such Assistant Chief as he may designate, the authority to accept and sign, for and on behalf of the Secretary of Agriculture, all options on lands or interests therein being acquired for administration by the Forest Service.

The delegation of authority entitled "Authorization for the Execution by the Chief or Assistant Chief of the Forest Service of Acceptances of Options on Lands approved for purchase by the National Forest Reservation Commission under the provisions of the act of March 1, 1911, as amended", as signed by W. R. Gregg, Acting Secretary of Agriculture, on July 18, 1936, is hereby superseded.

Issued this 27th day of October 1949.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 49-8799; Filed, Nov. 1, 1949;
8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3297]

DELTA AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application, as amended, of Delta Air Lines, Inc., under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for an amendment of its certificate for route No. 54 so as to authorize that Chattanooga, Tenn., be an intermediate point between the intermediate points Knoxville, Tenn., and Atlanta, Ga.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 14, 1949, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 27, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-8810; Filed, Nov. 1, 1949;
8:49 a. m.]

FEDERAL COMMUNICATIONS
COMMISSION

[Docket No. 9255]

LAMAR COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Cecil Hardy, Charles L. Cain, Merl Saxon, O. E. Smith and J. T. Smith, a partnership, d/b as Lamar County Broadcasting Company, Paris, Texas, for construction permit; Docket No. 9255, File No. BP-6596.

The Commission having under consideration a motion filed on October 19, 1949, by Cecil Hardy, Charles L. Cain, Merl Saxon, O. E. Smith and J. T. Smith, a partnership, d/b as Lamar County Broadcasting Company, requesting that the hearing now scheduled for November 7, 1949, at Washington, D. C., on the above-entitled application for construction permit, be continued to December 7, 1949; and

It appearing, that all parties to the proceeding and the Commission's Counsel have consented to the continuance as requested and to a waiver of § 1.745 of the Commission's rules relating to the time for filing of motions;

It is ordered, This 21st day of October, 1949, that the motion be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, December 7, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8809; Filed, Nov. 1, 1949;
8:49 a. m.]

[Docket Nos. 9318, 9319]

CORBIN TIMES-TRIBUNE, INC. (WCTT),
AND RADIO STATION WISE (WISE)

ORDER CONTINUING HEARING

In re application of The Corbin Times-Tribune, Inc. (WCTT), Corbin, Kentucky, Docket No. 9318, File No. BP-7037; Radio Station WISE, Inc. (WISE), Asheville, North Carolina, Docket No. 9319, File No. BP-7132; for construction permits.

The Commission having under consideration a petition filed October 12, 1949, by the Corbin Times-Tribune, Inc. (WCTT), Corbin, Kentucky, for 60-day continuance of the hearing in the above-entitled consolidated proceeding now scheduled to be held in Washington, D. C., October 31, 1949:

It appearing, that service of said petition has been made on all parties to this proceeding and on Commission counsel; that the time within which opposition thereto may have been filed by said parties and by Commission counsel has expired; that no objection to the pe-

tition for continuance has been filed by anyone; and that a grant of the petition would not adversely affect the rights or interests of any party to this proceeding; and that good and sufficient cause has been shown in the petition for the requested continuance;

It is ordered, This 21st day of October, 1949, that the petition be, and it is hereby, granted; and the hearing in the above-entitled matter be, and it is hereby, continued to 10:00 a. m. Monday January 2, 1950, in Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8808; Filed, Nov. 1, 1949;
8:49 a. m.]

[Docket Nos. 9402, 9403, 9404, 9405, 9468,
9469]

KMPC, STATION OF THE STARS, INC., ET AL.

ORDER EXTENDING TIME WITHIN WHICH TO
FILE MOTION TO CHANGE ISSUES

In re applications of KMPC, The Station of the Stars, Inc., Los Angeles, California, for renewal of license of Radio Station KMPC, Los Angeles, California, Docket No. 9468, File No. BR-18; WJR, The Goodwill Station, Inc., Detroit, Michigan, for renewal of license of Radio Station WJR, Detroit, Michigan, Docket No. 9469, File No. BR-331; WGAR Broadcasting Company, Cleveland, Ohio, for renewal of license of Radio Station WGAR, Cleveland, Ohio, Docket No. 9405, File No. BR-283; G. A. Richards, Transferor, and Harry J. Klingler, Lawrence P. Fisher and John A. Hannah, Transferees, for consent to the transfer of control of: KMPC, The Station of the Stars, Inc., Los Angeles, California, Docket No. 9402, File No. BTC-756; WJR, The Goodwill Station, Inc., Detroit, Michigan, Docket No. 9403, File No. BTC-754; The WGAR Broadcasting Company, Cleveland, Ohio, Docket No. 9404, File No. BTC-755.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of October, 1949;

The Commission having under consideration a petition filed October 17, 1949, by KMPC, The Station of the Stars, Inc., WJR, The Goodwill Station, Inc., WGAR Broadcasting Company, and G. A. Richards requesting further extension of the time to file a motion to change the issues in the above-entitled proceedings;

It appearing, that under § 3.189 of the Commission's rules, such a motion to amend the issues was required to be filed on or before August 18, 1949, but that the Commission by Orders of August 12 and September 16, 1949, granted petitions by these petitioners to extend until October 19, 1949, the time within which to file such motion; and

It further appearing, that the previous petitions for extensions of time to file such motion were based upon allegations that certain of petitioners' counsel were, or expected to be, on vacation; that certain other counsel were unavailable by reason of absence from Washington; that certain of the counsel upon their return to Washington had other important commitments of long standing; and

It further appearing, that the instant request is for an additional extension "of at least 30 days" from October 19, 1949, and is based upon allegations that certain of petitioners' counsel have been and are now engaged in preparation for and in attendance at the current proceedings before the Commission concerning the adoption of television standards; that this has prevented their devoting adequate time to the issues involved in these proceedings, and upon the further allegation that an agreement has been entered into providing for the sale of controlling interest in Radio Station KMPC to the National Broadcasting Company Inc.; and that this new development requires preparing and filing of amendments to applications now before the Commission and re-examination and redrafting of the prospective motion in the light of these amendments; and

It further appearing, that in so far as the requested extension is sought for the reason that an agreement has been entered into for the sale of the controlling interest in Station KMPC, insufficient cause is alleged since such development appears to have no relevance to any motion for amendment of the issues in the proceedings upon the applications for renewal of licenses of Stations KMPC, WJMR, and WGAR; and

It further appearing, that the grant of an extension of 30 days or more as requested would not conduce to the proper dispatch of the Commission's business or to the ends of justice;

It is ordered, That the petition be, and it is hereby, granted in part only and that the time within which a motion to change the issues in the proceedings in Docket Nos. 9468, 9469, and 9405 may be filed is extended to close of business on November 7, 1949.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8803; Filed, Nov. 1, 1949;
8:48 a. m.]

[Docket No. 9484]

CLEARWATER BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In the matter of Houston Cox, Jr., M. L. Rosenzweig and S. L. Rosenzweig, (Transferors), Dr. William T. Watson (Transferee), Clearwater Broadcasting Co., Inc. (Licensee), for consent to transfer of control of licensee company (WCLE); File No. BTC-786, Docket No. 9484.

At a session of the Federal Communications Commission, held at its offices in

Washington, D. C., on the 21st day of October 1949;

The Commission having under consideration the above entitled application for transfer of control of Clearwater Broadcasting Company, Inc., licensee of station WCLE, Clearwater, Florida, from Houston Cox, Jr., M. L. Rosenzweig, and S. L. Rosenzweig to Dr. W. T. Watson; and

It appearing, that on August 5, 1949, the National Community Relations Advisory Council filed with the Commission a protest against a grant of the above-entitled application on the ground that Dr. William T. Watson, the transferee herein, had engaged in certain conduct and activities calculated to create and foster racial and religious bias, prejudice, and ill will, and hence did not possess the necessary qualifications to become a broadcast licensee; and

It further appearing, that certain additional information has been brought to the attention of the Commission tending to indicate that Dr. William T. Watson, the transferee herein, has assumed unauthorized control of station WCLE, in violation of section 310 (b) of the Communications Act of 1934, as amended; and

It further appearing, upon the basis of the aforesaid protest and information and the subsequent investigation made thereof by the Commission, that the Commission is not satisfied that it is in possession of full information as is required by the Communications Act of 1934, as amended, and more particularly section 310 (b) thereof;

It is ordered, That pursuant to section 310 (b) of the Communications Act of 1934, as amended, the above entitled application be designated for hearing at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To obtain full information regarding the allegations made in the aforesaid protest filed by the National Community Relations Advisory Council.

2. In the light of the evidence adduced upon the matters alleged in the aforesaid protest, to determine the qualifications of Dr. William T. Watson to be a broadcast licensee and particularly whether he can be relied upon to carry out the responsibility of a broadcast licensee to be fair in all racial and religious groups.

3. To obtain full information as to the plans of the proposed transferee for programming and staffing station WCLE and all other plans and arrangements for operating said station.

4. To obtain full information with respect to all contractual arrangements or understandings between the transferors and the transferee herein relating to the sale of station WCLE and, more particularly to determine whether the contract of sale for that station filed with the Commission by the parties to the above application, constituted a full disclosure of all contract agreements between those parties relating to that sale.

5. To determine whether the license for station WCLE, or the rights and responsibilities incident thereto, have been transferred, assigned, or disposed of, directly or indirectly, without the consent of the Commission and in violation of

section 310 (b) of the Communications Act, as amended.

6. To determine whether, in the light of the evidence adduced under the foregoing issues, a grant of the above entitled application would be in the public interest.

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[SEAL]

[F. R. Doc. 49-8805; Filed, Nov. 1, 1949;
8:48 a. m.]

[Docket No. 9485]

JENNINGS BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Jennings Broadcasting Company, Inc., Jennings, Louisiana, for construction permit; Docket No. 9485, File No. BP-7141.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of October 1949;

The Commission having under consideration the above-entitled application of Jennings Broadcasting Company, Inc., requesting a construction permit for a new standard broadcast station to operate on 1490 kc., with 250 w. power, unlimited time, at Jennings, Louisiana, and also having under consideration a petition filed by Calcasieu Broadcasting Company, licensee of Station KPLC, Lake Charles, Louisiana, requesting the Commission to designate said application for hearing and name the petitioner as party respondent;

It appearing, that the applicant is legally, technically and otherwise qualified to construct and operate the proposed station except as to those matters to be determined under Issue No. 5 herein, and that the type and character of program service proposed to be rendered would meet the requirements of the populations and areas proposed to be served, but that the application may involve interference with one or more existing stations and otherwise not comply with the Commission's rules and Standards of Good Engineering Practice;

It is ordered, The petition of Calcasieu Broadcasting Company is granted, and that pursuant to section 309 (a) of the Communications Act of 1934, as amended, the application of Jennings Broadcasting Company, Inc., is hereby designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station KPLC, Lake Charles, Louisiana, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected there-

by, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

5. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KSIG at Crowley, Louisiana, the nature and extent thereof, and whether such overlap if any, is in contravention of § 3.25 of the Commission's rules.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8806; Filed, Nov. 1, 1949;
8:49 a. m.]

[Docket No. 9486]

SANDUSKY NEWSPAPERS, INC.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Sandusky Newspapers, Incorporated, Sandusky, Ohio, for construction permit; Docket No. 9486, File No. BP-7165.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of October 1949;

The Commission having under consideration the above-entitled application which requests a permit to construct a new standard broadcast station to operate on frequency 1570 kilocycles, with 250 watts power, daytime only in Sandusky, Ohio, and also having under consideration a petition to designate for hearing the said application and to make petitioner a party to the proceeding, filed by Unity Corporation, licensee of Station WTOD, Toledo, Ohio;

It appearing, that, the applicant is legally, technically, financially, and otherwise qualified to construct and operate the proposed station and that the type and character of program service proposed to be rendered would meet the requirements of the populations and areas proposed to be served, but that the proposed operation may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, the said petition is granted and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WTOD, Toledo, Ohio, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with Station WAKI, licensed to the City of Sandusky, Ohio, and, if so, the nature and extent thereof, with particular reference as to whether "image frequency" interference would result.

4. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice with particular reference to the population residing within the 500 millivolts per meter and the 250 millivolts per meter blanket contours.

It is further ordered, That, Unity Corporation, licensee of Station WTOD, Toledo, Ohio, and the City of Sandusky, Ohio, licensee of Station WAKI, Sandusky, Ohio are made parties to the proceeding.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8807; Filed, Nov. 1, 1949;
8:49 a. m.]

[Docket No. 9487]

CENTRAL OHIO BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re applications of Homer Akers, Charles V. Lundstedt, and Emmitt Akers, d/b as Central Ohio Broadcasting Company, Gallon, Ohio, for construction permit; Docket No. 9487, File No. BP-7031.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of October 1949;

The Commission having under consideration the above-entitled application of Homer Akers, Charles V. Lundstedt and Emmitt Akers, a partnership d/b as Central Ohio Broadcasting Company, requesting a permit to construct a new standard broadcast station to operate on frequency 560 kc., with 1

kw. power, using directional antenna for daytime operation only, at Gallon, Ohio;

It appearing, that, the above applicant is legally, technically, and financially qualified but that the proposed operation may involve objectionable interference with one or more existing stations or otherwise not comply with the Commission's rules and standards;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above application of Homer Akers, Charles V. Lundstedt and Emmitt Akers is designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Stations WIND, Chicago, Illinois; WJLS, Beckley, West Virginia; WCPM, Middlesboro, Kentucky; WKRC, Cincinnati, Ohio; WKBN, Youngstown, Ohio, or with any other existing broadcast stations or the services proposed in any pending application and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Johnson-Kennedy Radio Corporation, licensee of Station WIND, Chicago, Illinois; Joe L. Smith, Jr., Incorporated, licensee of Station WJLS, Beckley, West Virginia, Tri-State Broadcasting Company, licensee of Station WCPM, Middlesboro, Kentucky; Radio Cincinnati, Incorporated, licensee of Station WKRC, Cincinnati, Ohio, and WKBN Broadcasting Corporation, licensee of Station WKBN, Youngstown, Ohio, are made parties to this proceeding.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-8804; Filed, Nov. 1, 1949;
8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6222]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING
MERGER OF FACILITIES AND ISSUANCE
OF SECURITIES

OCTOBER 27, 1949.

Notice is hereby given that, on October 26, 1949, the Federal Power Commission issued its order entered October 25, 1949, authorizing and approving merger of facilities of San Geronio Electric Corporation with those of California Electric Power Company, and issuance

of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8788; Filed, Nov. 1, 1949;
8:46 a. m.]

[Docket No. E-6239]

KENTUCKY UTILITIES CO.

NOTICE OF ORDER DISMISSING APPLICATION
FOR WANT OF JURISDICTION

OCTOBER 27, 1949.

Notice is hereby given that, on October 26, 1949, the Federal Power Commission issued its order entered October 25, 1949, dismissing, for want of jurisdiction, the application relating to the issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8787; Filed, Nov. 1, 1949;
8:46 a. m.]

[Docket Nos. G-1237, G-1249]

UNITED GAS PIPE LINE CO. AND ATLANTIC
SEABOARD CORP.

NOTICE OF FINDINGS AND ORDERS ISSUING
CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY

OCTOBER 27, 1949.

Notice is hereby given that, on October 26, 1949, the Federal Power Commission issued its findings and orders entered October 25, 1949, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8786; Filed, Nov. 1, 1949;
8:46 a. m.]

[Docket No. G-1271]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 27, 1949.

On September 1, 1949, Alabama-Tennessee Natural Gas Company (Applicant) filed an application, as supplemented on September 20 and October 3, 1949, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; and no request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in

the FEDERAL REGISTER on September 16, 1949 (14 F. R. 5696).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 16, 1949, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application and supplemental data: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided for by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 28, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8801; Filed, Nov. 1, 1949;
8:48 a. m.]

[Projects Nos. 344, 677]

SAN GORGONIO ELECTRIC CORP. AND
CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER APPROVING TRANSFER OF
LICENSES

OCTOBER 27, 1949.

Notice is hereby given that, on October 26, 1949, the Federal Power Commission issued its order entered October 25, 1949, approving transfer of licenses from San Gorgonio Electric Corporation to California Electric Power Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8789; Filed, Nov. 1, 1949;
8:46 a. m.]

[Project No. 1494]

GRAND RIVER DAM AUTHORITY

NOTICE OF ORDER GRANTING PARTIAL EXEMPTION
FROM PAYMENT OF ANNUAL CHARGES

OCTOBER 27, 1949.

Notice is hereby given that, on October 26, 1949, the Federal Power Commission issued its order entered October 25, 1949, granting partial exemption from payment of annual charges in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-8790; Filed, Nov. 1, 1949;
8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24628]

SUGAR TO ALABAMA, GEORGIA AND
TENNESSEE

APPLICATION FOR RELIEF

OCTOBER 28, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 380.

Commodities involved: Sugar, carloads, minimum weight 100,000 pounds.

From: South Atlantic and Gulf ports, also western Louisiana refineries.

To: Points in Alabama, Georgia, and Tennessee.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates; W. P. Emerson, Jr.'s tariff I. C. C. No. 380, Supplement 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-8793; Filed, Nov. 1, 1949;
8:46 a. m.]

[4th Sec. Application 24629]

ACETALDEHYDE FROM WINNIE, TEX., TO
HUNTSVILLE AND HUNTSVILLE ARSENAL,
ALA.

APPLICATION FOR RELIEF

OCTOBER 28, 1949.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Acetaldehyde, in tank cars, carloads.

From: Winnie, Tex.

To: Huntsville and Huntsville Arsenal, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supplement 375.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-8792; Filed, Nov. 1, 1949;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2222]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF COMPETITIVE BIDDING AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of October A. D. 1949.

Iowa-Illinois Gas and Electric Company ("Iowa-Illinois"), a public utility subsidiary of The United Light and Railways Company, a registered holding company, having filed an application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, with respect to the issue and sale, in accordance with the competitive bidding requirements of Rule U-50, of \$10,000,000 principal amount of First Mortgage Bonds, ---% Series due 1979; and

The Commission having, by order entered October 11, 1949, granted and permitted to become effective said application-declaration, as amended, subject to the condition that the proposed issue and sale of bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a part of this record and a further order issued by the Commission in the light of the record as so completed, for which purpose jurisdiction was reserved, and subject to a further reservation of jurisdiction with respect to the fees of counsel, including fees of counsel for the prospective purchaser of the bonds, to be incurred and paid in connection with the proposed issue and sale of securities; and

Iowa-Illinois having filed a further amendment to said application-declaration, as amended, stating that, in ac-

cordance with said order of October 11, 1949, said bonds have been offered for sale pursuant to the competitive bidding requirements of Rule U-50, and that the following bids for the bonds have been received.

Bidding group headed by—	Coupon	Price to the company ¹	Cost to the company
Harriman Ripley & Co., Inc.	2 3/4	100.776	2.712035
Equitable Securities Corp.	2 3/4	100.7055	2.715471
Globe Forgan & Co.	2 3/4	100.6732	2.717044
Harris Hall & Co. (Inc.)	2 3/4	100.668	2.717268
Lehman Bros.	2 3/4	100.667564	2.717319
The First Boston Corp.	2 3/4	100.65	2.718175
Blyth & Co., Inc.	2 3/4	100.65	2.718175
Halsey Stuart & Co., Inc.	2 3/4	100.631	2.719100
Smith Barney & Co.	2 3/4	100.44	2.728428

¹ Plus accrued interest from Oct. 1, 1949.

Said amendment further stating that the bid of Harriman Ripley & Co., Incorporated, as above set out, for the bonds has been accepted and that the bonds are to be offered for sale to the public at 101.02% of the principal amount plus accrued interest, resulting in an underwriter's spread of 0.244% of the principal amount of the bonds; and

The Commission having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid the company, the interest rate or redemption prices of the bonds or the underwriter's spread, and it appearing that the jurisdiction heretofore reserved with respect to the results of competitive bidding should be released; and

The Commission finding that the applicable standards of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder have been satisfied and that said application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, That the jurisdiction heretofore reserved with respect to the results of competitive bidding for said bonds be, and it hereby is, released, and the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24, and to the continuation of the jurisdiction heretofore reserved with respect to the fees of counsel, including fees of counsel for the prospective purchasers of the bonds.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-8797; Filed, Nov. 1, 1949;
8:47 a. m.]

[File No. 70-2261]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of October A. D. 1949.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), by International Hydro-Electric System ("IHES"), a registered holding company. The company designates sections 9 (a) and 10 of the act and, in the alternative, Rules U-44 and U-50 promulgated under said act as applicable to the proposed transaction.

All interested persons are referred to said application on file in the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

IHES presently holds 534,157 shares of common stock of New England Electric System ("NEES"). The latter company now proposes to issue and sell 669,508 additional common shares, at a price to be fixed by competitive bidding. Each present shareholder of NEES will have the right to subscribe for one additional share for each ten common shares held on the record date. IHES proposes to exercise such rights and to subscribe for and acquire 53,415 additional shares of common stock of NEES at the subscription price and to sell the rights to subscribe for 0.7 share.

In the event that the acquisition of the additional shares of common stock of NEES herein proposed is not approved by the Commission, IHES proposes to sell such rights in the open market, and in the event of such sale, IHES requests exemption from the competitive bidding requirements of Rule U-50.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the proposed transaction and that said application should not be granted except pursuant to further order of this Commission;

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, that a hearing with respect to said application as now filed or as hereafter amended, be held on Thursday, November 10, 1949 at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise participate in this proceeding shall file with the Secretary of the Commission on or before November 8, 1949, a written request therefor as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised that it has made a preliminary examination of the application and that upon the basis thereof and without prejudice to additional matters or questions being specified upon further examination, the

following matter is presented for consideration:

Whether it is appropriate, under the applicable standards of the act, for IHES to acquire the additional shares of NEES common stock; or, in the alternative, to sell the rights to purchase said stock as proposed.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matter.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing by registered mail a copy of this notice and order to IHES and to counsel of record in the dissolution proceedings now pending, being Matter of International Hydro-Electric System, File Nos. 54-159, 54-160, 54-162, 54-164; that general notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER; and that a copy of this notice and order shall be distributed through a general release of this Commission to the press and mailed to the mailing list for releases issued under the act.

By the Commission.

[SEAL]

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 49-8834; Filed, Nov. 1, 1949;
9:02 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50

U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 285]

MATHILDA PREVOSTS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mathilda Prevosts, Montreuil, France, Claim No. 6398; February 22, 1949 (14 F. R. 814); \$1,641.67 in the Treasury of the United States. All right, title, interest and claim of any kind whatsoever of Mathilda Prevosts in and to the Estate of Augusta Guggisberg, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 26, 1949.

For the Attorney General.

[SEAL]

HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8813; Filed, Nov. 1, 1949;
8:50 a. m.]

[Return Order 466]

EMIL BERGE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Emil Berte, No. 5 Theobaldgasse, Vienna VI, Austria, Claim No. 28760; September 17, 1949 (14 F. R. 5732); property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order Nos. 2981 (9 F. R. 1633, February 11, 1944) and 1758 (9 F. R. 13773, November 17, 1944) relating to the operetta "Blossom Time" (listed in Exhibit A of said vesting orders), including royalties pertaining thereto in the amount of \$24,893.32.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 26, 1949.

For the Attorney General.

[SEAL]

HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-8814; Filed, Nov. 1, 1949;
8:50 a. m.]

